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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) ATI-000090 (1376-0000900)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>11/25/05</u> Signature <u>[Signature]</u> Typed or printed name <u>Judy Garey Ryan Davidson</u>		Application Number 09/675,033	Filed 09/28/2000
		First Named Inventor Blair B.A. BIRMINGHAM	
		Art Unit 2154	Examiner PATEL, Haresh N.
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.  This request is being filed with a notice of appeal.  The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>51,596</u>		<u>[Signature]</u> Signature <u>Ryan S. Davidson</u> Typed or printed name <u>(512) 327-5515</u> Telephone number <u>25 November 2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Blair B.A. BIRMINGHAM

Title: METHOD AND SYSTEM FOR USING MULTIPLE OPERATING  
SYSTEMS CONCURRENTLY WITHIN A SINGLE SYSTEM

App. No.: 09/675,033 Filed: 09/28/2000

Examiner: PATEL, Haresh N. Group Art Unit: 2154

Customer No.: 34456 Confirmation No.: 7656

Atty. Dkt. No.: ATI-000090  
(1376-0000900)

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Commissioner for Patents  
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REMARKS IN SUPPORT OF  
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In response to the Office Action mailed July 15, 2003, the Office Action mailed October 31, 2003, the Final Office Action mailed June 28, 2004, the Office Action mailed November 23, 2004, the Final Office Action mailed April 21, 2005, the Advisory Action mailed July 8, 2005, and the Final Office Action mailed September 29, 2005, and pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, the Applicant requests review of the following issues on appeal.

*Endo fails to disclose or suggest an appliance operating system dedicated to control an information handling device to operate a subset of the one or more appliances of the information handling system*

Claim 1 recites the features of providing a plurality of operating systems on a single information handling device having one or more appliances, the plurality of operating systems including *an appliance operating system dedicated to control the information handling device to operate a subset of the one or more appliances*, and a general operating system to perform

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general information handling tasks. Independent claims 7, 18 and 26 recite similar features. As discussed in detail at pages 9-11 of the Response filed February 23, 2005 (hereinafter, "the Response"), Endo (U.S. Patent No. 6,615,303) fails to disclose or even suggest an appliance operating system dedicated to control the information handling device to operate a subset of one or more appliances of the information handling system as provided by claims 1, 7, 18 and 26. Rather, Endo merely teaches the concept of sharing various peripheral devices between multiple operating systems and that the concept that an input and output device may be used in common by a plurality of operating systems. Neither of these concepts are the same as, or even equivalent to, an appliance operating system dedicated to control an information handling device to operate a subset of the one or more appliances of the information handling system as recited by claim 1. Rather, the only similarities between the disclosure of Endo and the above-cited claim features is that they both make use of the term "dedicated," but this is where the similarities end. Endo uses the term "dedicated" in reference to "dedicated switch 190" and "dedicated switch 191" and teaches that the significance of these dedicated switches is that "[b]y providing the dedicated switches per operating system, frequently used function[s] can be fixedly assigned to the switches to attain a feature to improve operability". *Endo*, col. 12, lines 7-9. Thus, Endo teaches that the dedicated switches 190 and 191 are "dedicated" to a real time OS 117 and an "office work" OS, respectively. *Id.*, col. 12, lines 2-7. This relied-upon passage makes no mention of a "dedicated" operating system, much less an appliance operating system dedicated to control an information handling device to operate a subset of the one or more appliances of the information handling device as provided by claims 1, 7, 18 and 26. Endo therefore fails to disclose or suggest, individually or in combination with the other cited references, the particular combination of features recited by claims 1, 7, 18 and 26, as well as the additional features recited by their dependent claims at least by virtue of their dependency from one of claims 1, 7, 18 and 26.

***There is no motivation to combine the teachings of Endo and the "Official Notice" as proposed***

As discussed at pages 12 and 13 of the Response, regardless of whether the Office's characterization of the use of non-volatile memory to store an appliance operating system as well-known is accurate, Endo teaches that the two operating systems 116 and 117 are stored in the same memory 101 and therefore fails to disclose or suggest that these operating systems

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could or should be stored in two different components, much less two different types of memory or storage components. *See, e.g., Endo, Figure 1.* Thus, the disclosure of Endo provides no motivation for the use of both a mass storage device to store one operating system and a non-volatile memory circuit to store another operating system. Accordingly, not only does the proposed combination of Endo and the Office's "Official Notice" fail to disclose or suggest each and every feature of claims 5 and 40, there is no motivation to combine the teachings of Endo and the Office's "Official Notice" as proposed.

***Endo fails to disclose the features of a communications interface, through which the appliance operating system controls at least one appliance, that is a wireless interface as recited by claim 15***

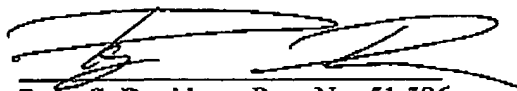
Claim 15 recites the additional features of wherein the communications interface through which the appliance operating system controls at least one appliance (see claim 7) is a wireless interface. As discussed at page 14 of the Response, Endo fails to disclose or suggest that an appliance operating system controls one or more appliances using a wireless interface and no "Official Notice" is taken to this effect. The proposed combination of Endo and the Office's "Official Notice" with respect to non-volatile memory therefore fails to disclose or suggest the particular combination of features of claim 15.

**Conclusion**

As discussed above, the Office fail to establish that the proposed combinations of the cited references disclose or suggest each and every element recited by any of the pending claims. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Respectfully submitted,

25 November 2005  
Date

  
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